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DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

Johnny C. Fenn Jr. #238558
Full name and prison number of plaintiff(s)

v.

CIVIL ACTION NO. 2:05CV515-F
(To be supplied by the Clerk of the U.S. District Court)

Mike Huges
Jim Mueller

Name of person(s) who violated your constitutional rights. (List the names of all the persons)

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? Yes ( ) No (X)

B. Have you begun other lawsuits in state or federal court relating to your imprisonment? Yes ( ) No (X)

C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:
Plaintiff(s) ______
Defendant(s) ______

2. Court (if federal court, name the district; if state court, name the county) ______

3. Docket No. ______

4. Name of Judge to whom case was assigned ______

Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?

6. Approximate date of filing lawsuit

7. Approximate date of disposition

II. PLACE OF PRESENT CONFINEMENT Bullack County Correctional facility

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED Brundidge ALABAMA

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

	NAME	ADDRESS
1.	Mike Huges	Troy city Police Dept.
2.	Jim Mueller	Troy city Police Dept.
3.		
4.		
5.		
6.		

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED October 3, 2004

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: Police Brutaility

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place, manner, and person involved).

AS I Turn my self in to officers Mike Huges And Jim mueller of the city of Troy. This is when the brutaility Started.

GROUND TWO: Police Brutaility

SUPPORTING FACTS: THE Sherriffs of Brundidge AL. Arrived on the scene Deputy SAM mallory. He took off the cuffs of the city and place his cuffs on And Place me in his car. officers Mike Huges and Jim mueller reopened Pike county Deputy car door AND sprayed a whole can of OC.C Pepper spray into my mouth

GROUND THREE:

SUPPORTING FACTS:

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

THAt these officers be made to Pay all medical bill's And to drop charges of ASSAult 2nd degree I ask this honorable court to award in my favor Punitive damages of each of the defendants

Johnny C. Fen Jr.
Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on 5/2/05
(date)

Johnny C Fen Jr.
Signature of plaintiff(s)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

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DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Johnny C. FENN JR. #238558,
PETITIONER, *

*

vs * CASE NO.________________

*

Mike Huges, Jim Mueller . *
RESPONDENT,

SWORN AFFIDAVIT

I, Johnny C. FENN JR. #238558, the affiant do swear under oath that the following statement made regarding the aforementioned case is true and correct to the best of my knowledge and would so aver that: ON October 3, 2004. I Johnny Cephus Fenn JR Surrendered to police After A Brundidge Police officer intentialy raned or you can say drove his patrol car head on while I eluded the police. As I climbed out of the van I laid flatly on the ground in a position where my hands were locked behind my head and my legs spead wide. I was leing on my Stomach with my head tured to the right. As I waited for police to handCuff me officer Jim Mueller hit me with his fist Severel times in my right ear and Caused me damage to my ear drum. I went to the doctor were he found blood in my ear. But before I was took to Pike County Jail and they took me to the hospital. Mike Huges and Jim Mueller had to take off there handcuffs and officer Sam mallory placed his on me. Then he placed me in his Pike County Patrol Car. which was officer SAm MAllory who placed me in his patrol car. Mike Huges and Officer Jim mueller reopend officer SAm Mallory Patrol car door in the back seat. Both back doors where reopend and the beat me for Several minuets and sprayed OCC pepper spray in my mouth eyes and nostrial.

Page one of two. Officer SAm mallory of Pike County Sherriffs Department is my witness, Page two of sworn Affidavit.

Johnny C. Fenn Jr.
Signature of Affiant

Sworn to and subscribed to before me
this 16th day of May, 2005.

Lance C. Anthony
NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Mar 18, 2007

SEAL

My commission expires ____________________